

Patrick M. Howe (SBN 154669)
pat@patrickhowelaw.com
PATRICK HOWE LAW, APC
402 W. Broadway, Ste. 1025
San Diego, CA 92101
(619) 398-3422 Phone
(619) 452-2507 Fax

Attorney for plaintiff
Integon National Insurance Company

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Integon National Insurance Company,

Plaintiff,

V.

Robert Hutsell, Jason May, The
Mendiburu Magic Foundation
Against Cancer, and D&E Suburu
Family Limited Partnership,

Defendants.

Case No. 1:20-CV-00490-NONE-JLT

**Joint Request for Extension of
Time to File Joint Statement re
Stay of Action**

(Doc. 31)

1 1. On August 7, 2020, the Court entered an order staying this case with
2 respect to the causes of action against defendant Robert Hutsell based upon
3 the pending nature of an associated criminal case against Mr. Hutsell arising
4 out of the same loss at issue here. (Dkt. 23.)

5 2. The criminal case has now resolved. Robert Hutsell pled no contest to
6 one of the charges and the others were dismissed.

7 3. There is no stay in effect in the civil state court action alleged in the
8 complaint.

9 4. Plaintiff contends the stay in this case should be lifted.

10 5. Defendant Robert Hutsell contends the stay should remain in place
11 and that the Court should set a briefing schedule and hearing on the issue.

12 6. On August 5, 2021, the Court issued an order directing plaintiff and
13 defendant Robert Hutsell to file a joint statement by no later than September
14 3, 2021 setting forth their respective positions on whether the stay should be
15 lifted. (Dkt 30.)

16 7. Counsel for plaintiff assumed (incorrectly) that counsel for defendant
17 received the Court's order and was thus aware of the briefing schedule. On
18 August 30, 2021, plaintiff counsel learned that defense counsel was unaware
19 of the order because defendant has not yet filed an appearance in the case in
20 light of the stay and therefore did receive notice of the order through the
21 CM/ECF system. Counsel for plaintiff did not otherwise notify defense
22 counsel because he incorrectly assumed defense counsel had received notice
23 through the CM/ECF system.

24 8. Given these circumstances and the fact that counsel for defendant is
25 set to be out of the office for vacation, plaintiff and defendant Robert Hutsell
26 jointly request an extension of the deadline for the parties to file a joint
27 statement until September 24, 2021.

August 30, 2021

PATRICK HOWE LAW, APC

By: s/ Patrick M. Howe

Patrick M. Howe

Attorney for plaintiff Integon
National Insurance Company

August 30, 2021

**WILKINS, DROLSHAGEN &
CZESHINSKI LLP**

By: /s/ James H. Wilkins

James H. Wilkins

Attorneys for defendant Robert
Hutsell

(Signature authorized on August 30,
2021)

ORDER

The Court has considered the above request. Good cause appearing therefore, the Court ORDERS:

1. The deadline to file the briefs re: lifting the stay (Doc. 30) SHALL be filed no later than September 24, 2021;
2. Counsel for Robert Hutsell SHALL file an appearance in this case for purposes of electronic filing/receiving the Court's orders no later than September 10, 2021.
3. The Clerk of Court is DIRECTED to serve a copy of this order on:

James Wilkins
Wilkins, Drolshagen & Czeshinski
6785 N. Willow Ave.
Fresno, CA 93710

IT IS SO ORDERED.

Dated: August 30, 2021

/s/ Jennifer L. Thurston

CHIEF UNITED STATES MAGISTRATE JUDGE